

REMARKS/ARGUMENTS

In response to the Examiner's Restriction Requirement dated December 2, 2008, the Applicant(s) provisionally elects Group I (claims 1-7, 19 and 20) drawn to a process for further prosecution of the merits, with traverse.

Restriction has been required between Group I (claims 1-7, 19 and 20) and Group II (claims 9-15), under 35 U.S.C. 121 and 372. The requirement asserts that the special technical feature in each of the groups, where the inlet of a metal alkoxide has a temperature lower than a self-decomposition temperature of the metal alkoxide is known in Callegari (USPN 6,664, 186), thereby Groups 1 and 2 lack the same or corresponding special technical features.

However, the claims of Group I and II have more special technical features than asserted as a special technical feature linking the grouped inventions. The claims of Group I and II include the limitation of heating the substrate to a temperature higher than or equal to a temperature at which the metal alkoxide is decomposed into metal hydroxide and a specific intermediate but lower than a self-decomposition temperature of the silicon hydride. This limitation is not described in Callegari and is not known in the art.

That is, Groups 1 and 2 have the same or corresponding special technical features which are not known in the art. Therefore, the inventions listed as Groups I and II relate to a single general inventive concept under PCT rule 13.1.

Furthermore, although the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

It is believed that the claims of the present application would have to be searched in just two sub-classes. Furthermore, since electronic searching is commonly performed, a

search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Accordingly, the Applicants respectfully submit that the inventions of Groups I and II be included in one application and be examined for an expeditious and efficient prosecution proceeding and for a consistent examination.

In view of the foregoing, Applicants respectfully request that the Restriction Requirement be reconsidered and withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch
Attorney of Record
Registration No. 32,829

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Michael L. Gellner
Registration No. 27,256